



AUGUSTA LAW DEPARTMENT

Wayne Brown, General Counsel

June 2, 2020

VIA EMAIL ONLY

cgganalyst2@gmail.com

Samantha Whitley

RE: Open Records Act
Richmond County Board of Elections

Dear Ms. Whitley

I am in receipt of your request for information under the Georgia Open Records Request Act, served on the Richmond County Board of Elections on or about May 29, 2020. This response is an attempt to provide responses to that request. It is my understanding that the records you have requested are as follows:

Please provide copies all video surveillance recordings at the early voting location Municipal Building for the first day of early voting and Thursday, May 28. Providing a link is the preferable manner of production.

If this is not the information that you requested, please let me know.

While it has come to our attention that we may have records that are responsive to your request, said records are exempt based on the Georgia Open Records Act and the Georgia Election Code. Pursuant to O.C.G.A. § 50-18-72(a)(26.2), public disclosure is not required for audio and video recordings from devices used by law enforcement in a place where there is a reasonable expectation of privacy. The video surveillance recordings are under the purview of the Richmond County Marshall's Office. While generally there is no expectation of privacy at the Augusta Municipal Building, there is an expectation of privacy in the Linda Beazley Room, which is the polling location for early voting at the Municipal Building. This is to ensure the ballot privacy of the voters at said polling location. Pursuant to O.C.G.A. § 21-2-413(e), no photography shall be allowed of a ballot or the face of a voting machine while an elector is voting such ballot. The

Augusta Law Department
535 Telfair Street, Building 3000
Augusta, Georgia 30901-2386
(706) 842-5550 - Fax (706) 842-5556

security cameras in the Beazley Room are set up in such a manner where the ballots of voters can clearly be seen, which would be an invasion of personal privacy pursuant to O.C.G.A. § 50-18-72(a)(2) and violate O.C.G.A. § 21-2-413(e).

Should you have any other questions or concerns regarding this matter, please contact me at 706-842-5550.

Sincerely,


Rachel N. Mack

cc: Lynn Bailey, Executive Director, Richmond County Board of Elections (via email)